

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK
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RICARDO RODRIGUEZ,

Petitioner,

-against-

DENNIS BRESLIN,

Respondent.

ORDER STAYING PETITION
TO ALLOW EXHAUSTION

05-CV-1639

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AMON, United States District Judge:

Petitioner Ricardo Rodriguez, proceeding pro se, moves for a stay of these proceedings in order to allow him to return to state court to exhaust the claims he raises in his petition for a writ of habeas corpus. The motion is granted. The Clerk of the Court is directed to administratively close this case unless or until either of the parties moves to restore the matter.

Petitioner is cautioned that he may be barred from reopening his federal habeas petition on statute of limitations or other grounds if he delays in initiating collateral proceedings in state court or if, having been denied relief in state court, he delays in seeking to reopen these federal proceedings. The parties are advised that the Court of Appeals for the Second Circuit has found that a reasonable period of time in which to initiate state collateral proceedings is 30 days, and that a reasonable period of time in which to reopen federal proceedings following a state court decision is also 30 days. See Zarvela v. Artuz, 254 F.3d 374, 380-81 (2d Cir. 2001).

Respondent may move, on notice to petitioner, to vacate the entered stay and to dismiss the petition for failure to prosecute or on other grounds.

SO ORDERED.

Dated: Brooklyn, New York
 June 1, 2005

Carol Bagley Amon
United States District Judge